

Honorable and Commendable Record of the Newberry Bar

High Sense of the Ethics of the Profession Always Practiced—Members Have Always Been Foremost in All Things for Betterment of Community—Furnished Chief Justices, Chancellors and Governor.

It is perhaps unconscious, but nevertheless it is a fact that people judge a community more generally by the lawyers than by any other class of business or professional men. Judging by this standard, Newberry has always had the right to rank among the leading towns in the state. For several generations Newberry has had a bar that has been forceful and effective, esteemed and respected all over the state. It has been said that the ideal of the Newberry bar was set by Anderson Crenshaw, one of the early graduates of the South Carolina college. He was a man of great scholarship and legal learning, a man of the highest ideals, and he left an impression on the bar of Newberry that continues until today. In the ante bellum days the Newberry bar was especially remarkable for its learning, the most prominent figures at this bar in those days were graduates of that same institution, John and Pat Caldwell, Mr. Summer and others.

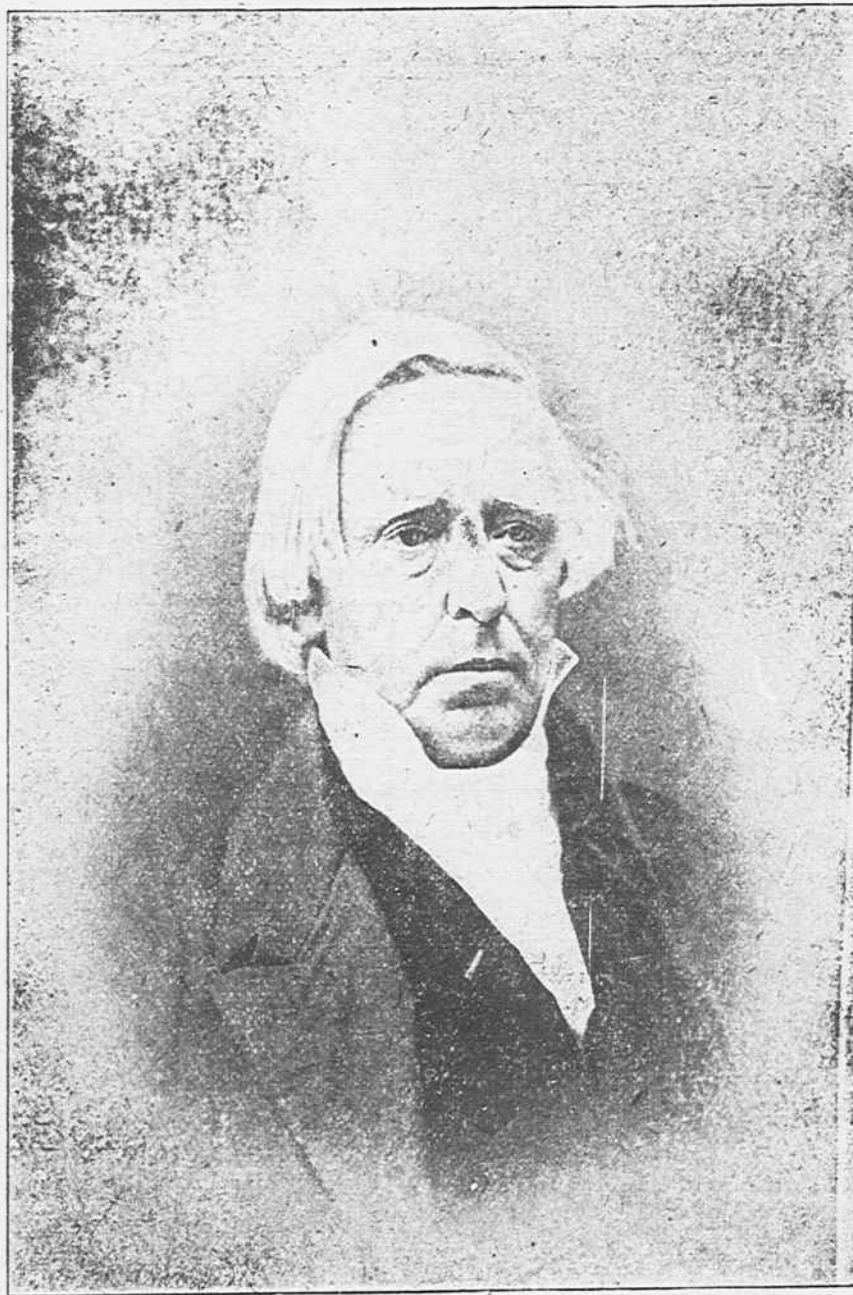
That was before the days of law schools, and generally legal lore was gathered by hard knocks in the courthouse. Lawyers did not have the libraries that they now have, one or two hundred books were as many as most of the best lawyers had, precedents had not been set so greatly in that early day, and the lawyers contended over the principles of law, and the rules of practice. They could not hope for aid from cases already decided in a line with whatever they might be interested in, and "case law" was very little in vogue. That was the day of making precedents rather than following precedents. The older lawyers took young men in their offices with them, giving the privilege of reading their books, copying their notes and picking up for themselves such scraps of knowledge as they might find from the wisdom that was let fall from the lips of their patron. It is interesting to note that one of the first real law schools in this state was one estab-

lished by James J. Caldwell, chancellor of the state from 1846 to 1850, when he was solicitor of the circuit with his home in Columbia. Mr. Caldwell had always been a student, and he was not only a scholar, but a teacher. He loved teaching for teaching's sake. He opened a school for the study of law and charged a fee of one hundred dollars a year in addition to the work that might be done by his pupils in copying papers and preparing briefs for him. He had among his students some of the most distinguished lawyers of the state, among them were Judge Fraser of Sumter, Mr. Metz of Lexington, Mr. Wallace of Columbia and others from Charleston to Greenville. The school of law was the courthouse, where lawyers fought out their cases, depending largely on the technicalities of the law and its construction. It has been only within recent years that the finished product of the law school has graced the bar in this section of the state, because there were no law schools in the south, generally speaking. Law students had the great advantage of close personal contact with men who impressed them with their own strong, vigorous personality, while they were gathering the legal lore.

Newberry has every right to feel proud of the service that her sons of the bar have given to the state. The old court of three judges as a supreme court was abolished in the nullification days, and a court of errors substituted when the division of the law and equity courts was made. At that time Newberry county had three of her sons on the chancery bench, Judge Jno. Belton O'Neal, who was elevated to that position in 1828; Job Johnstone, 1831, and Jas. J. Caldwell, 1846, all three of whom rendered conspicuous and distinguished service. In 1850 the state returned to the old form of a supreme court of three justices, and Judge John Belton O'Neal was the first one raised to the supreme bench, filling that place

until his death in 1863. Montgomery Moses was a Sumter man, but he was elevated to the bench from this circuit, where he had been assigned, and he had made his residence in Newberry. He went out in 1876. Y. J. Pope was elected associate justice in 1891 and was later raised to the chief justiceship. Chief Justice Ira B. Jones, while not elected from Newberry, was a Newberry man, so that this county and this bar has done its full share and has had the credit of supplying for the needs of

Henry Summer, Maj. James M. Baxter and later Mr. Silas Johnstone, the son of the chancellor; Mr. Christian H. Suber, Judge Y. J. Pope, Thomas S. Moorman, for so long librarian of the supreme court; Mr. J. F. J. Caldwell and Mr. George Johnstone, both of whom are now living useful lives and serving their neighbors as opportunity offers; and later Mr. Osborne L. Schumpert, one term, the solicitor of this circuit and having made an enviable reputation as a just and fearless prosecutor of evil and wrong doing.



JOHN BELTON O'NEAL, Elected Member House of Representatives 1816; Speaker of the House 1824; Chancellor 1828-50; Chief Justice of South Carolina from 1850 to Time of His Death in 1863.

the state some of her most distinguished justices.

Among the older lawyers of note in the town were Thomas H. Pope, the father of the chief justice; Simeon Fair, who was for twenty-two years the solicitor of the circuit; Mr. Lambert J. Jones, A. C. Garlington, who was adjutant general during the war; Maj.

This list embraces the old school of ante-bellum days and the men who came to the bar at the close of the war, where there was so much doing in the courts and in all matters of interest in estates, long neglected by the people, who had given their sons and husbands to the battle line. During the war there were practically no

courts and really very little for the courts to do. There was a stay law to prevent the closing of mortgages and notes, and the action for violation of contracts, the minds of the people were absorbed in greater things than petty crimes, and the negro race were dealt with outside of courts.

There was a rush of legal business, however, after the war was over, and plenty of work for the members of the bar untangling the skeins of business complications and settling estates. This distressing period of history found the bar of Newberry, like all other communities, deeply involved in debt, but they went bravely to the task of rebuilding their own scattered fortunes and breasting the overwhelming waves of financial trouble. There was a sentiment strongly felt by the members of the bar against going into bankruptcy themselves, though carrying their clients well and safely through that course of readjustment, so that many of them were overwhelmed, and with broken fortunes and broken hearts and broken hopes they went to their final rest. The younger members of the bar gave their attention to the changing order of things, helped all classes of people equally, especially befriending the freed negro race in the many troubles in which they became involved through the mistake of liberty for license. It is said by one of the older members of the Newberry bar that he does not recall a single instance in which a negro accused of crime in the period of reconstruction lacked for counsel to defend his case, though the hope and expectation of financial reward was slight.

There was one negro lawyer admitted to the Newberry bar in those days of reconstruction. He was a bright mulatto named Thomas, a man of very dangerous tendencies, and having some education was looked upon as a prophet and a priest by his race. He attempted at one time to enter and take a seat in the Lutheran church, but two of the members, Mr. Schumpert and Dr. Mayer, escorted him promptly outside the building. He entered suit against the two gentlemen, but after he had been admitted to the bar he did not think that he ought to press a case of assault against "a brother lawyer," and asked the solicitor to not press it, very much to the amusement of the bar, who enjoyed the joke at the expense of their friend Schumpert.

Newberry was one of the KuKlux

counties, and the negroes and radicals never created a great deal of trouble here. The members of the bar were active in all lines for the protection of the people, both in and out of the court house, and many of them were suspected of being identified with that historic and peculiar organization, so much so that several of them found it most convenient to leave Newberry quietly and stay away for a time. After the overthrow of the Republican rule in 1876 they returned. Many good citizens were lost to the county at that time, they preferring removal to arrest. It is said that there was only one case tried among the many arrests in Newberry county by the federal authorities, and that one was a mistrial. The defendant in that case was the man who for so long was sheriff of the county, M. M. Buford.

Among the older lawyers practicing at this time in Newberry were Dr. Sampson Pope, who entered into partnership with his brother, Y. J. Pope, and Col. Fair; Mr. Benson M. Jones, son of the older lawyer, Lambert J. Jones, and brother of the present attorney, Lambert W. Jones; Mr. George S. Mower, who is still an honored member of the bar and public servant, with a goodly record to his credit. Mr. James Clary, who practiced for a short while, and Mr. George G. DeWalt, who divided his time between law and real estate, being one of the early real estate boosters of the city. Messrs. Baxter; Suber, Pope and Caldwell were other prominent members of the bar, and Mr. John B. Carville, afterwards cashier of the bank, came here from Mississippi and began the practice of law. Then came the Messrs. Hunt and others who are practicing here still.

During the reconstruction period there was a very interesting murder trial, four negroes taken in charge for the killing of Dunwoody, a white watchman at the railroad station. The purpose was to rob the freight depot and the watchman was killed to facilitate the robbery. That was before the fashion for lynchings came in vogue, and these four negroes were put in the dock, and the case took eleven working days of the court, the entire panel of jurymen being negroes. The case ended in a mistrial at first, but later was reopened and two, a negro named James and his wife, were executed. They had admitted having some connection with the affair, and bore all of the punishment. These negroes

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